Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Redesignation of the 17.7-19.7 GHz	)	
Frequency Band, Blanket Licensing of	)	
Satellite Earth Stations in the 17.7-20.2 GHz	)	IB Docket No. 98-172
and 27.5-30.0 GHz Frequency Bands, and the	)	RM-9005
Allocation of Additional Spectrum in the	)	RM-9118
17.3-17.8 GHz and 24.75-25.25 GHz	)	
Frequency Bands for Broadcast Satellite-	)	
Service Use	)	

CONSOLIDATED REPLY OF HUGHES ELECTRONICS CORPORATION

Hughes Electronics Corporation ("*Hughes*") hereby replies[1] to the oppositions and other pleadings filed with respect to Hughes's Petition for Partial Reconsideration[2] in the above-captioned proceeding.

Hughes's Petition raised a number of issues with the Commission's Report and Order in this proceeding.[3] In summary, Hughes argued:

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1 To the extent necessary, Hughes requests a waiver of the page limit on reply pleadings contained in Commission rule Section 1.429(g). A waiver is warranted as Hughes has consolidated its replies to four opposition pleadings in one document for Commission convenience. This Consolidated Reply is shorter than the aggregate maximum of two (much less four) separate filings.

2 Petition for Partial Reconsideration of Hughes Electronics Corporation in IB Docket 98-172 (filed October 6, 2000) ("*Hughes Petition*").

3 *Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use*, FCC 00-212 (rel. June 22, 2000) (the "*18 GHz Order*").

- That the Commission's segmentation of the 17.7 - 19.7 GHz band in the 18 GHz Order is illogical and an insufficiently explained departure from previous Commission decisions;

- That the Commission's "Legacy List" policy is an unexplained, and arbitrary departure from current rules and was adopted without mandatory notice and comment procedures;

- That the Commission's deletion of secondary satellite designations is unsupported and contrary to mandatory notice and comment procedures;

- That the Commission should permit either blanket licensing or streamlined registration in the full 1000 MHz allocated to GSO/FSS at Ka band; and

- That the Commission should reconsider or correct three technical aspects of the Ka band blanket licensing rules.

Several of Hughes's requests for reconsideration were unopposed and, indeed, were supported by third parties. The oppositions to Hughes's other reconsideration requests are unpersuasive and fail to rebut Hughes's core argument in support of its requests. Namely, that the Commission's actions in these respects are unwise, unsupported, and adopted contrary to the requirements of the Administrative Procedure Act and relevant court precedent. Thus, the Commission should grant in full Hughes's Petition for Partial Reconsideration.

I. THE COMMISSION SHOULD EXPEDITIOUSLY GRANT HUGHES'S UNOPPOSED REQUESTS FOR RECONSIDERATION

Several of Hughes's requests for reconsideration are unopposed; thus, the Commission should grant those requests expeditiously. No party opposes, and GE Americom and Astrolink International fully support,[4] Hughes's request that the Commission reinstate the secondary designations for NGSO/FSS in the 18.3 - 18.8 GHz band and for GSO/FSS in the 18.8 - 19.3 GHz band, pending a Further Notice of Proposed Rulemaking dealing generally with

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4 Comments of GE American Communications, Inc. at 5, IB Docket 98-172 (filed November 13, 2000) ("*GE Americom Comments*"); Opposition and Comments of

secondary satellite designations in the Ka band. Similarly, no party opposes, and GE Americom and the Satellite Industry Association fully support,[5] Hughes's request that the Commission authorize blanket licensing of earth stations in the 29.25 - 29.5 GHz band and investigate streamlined earth station registration in the 18.3 - 18.58 GHz band, if the Commission refuses on reconsideration to designate the 18.3 - 18.58 GHz band for deployment of ubiquitous satellite earth stations.[6]

Finally, no party opposes, and GE Americom, the Satellite Industry Association, and Astrolink International fully support,[7] two of Hughes's three requests for changes to the technical rules for Ka band earth station blanket licensing. Namely, (i) that the Commission rescind its amendments to its rule Section 25.208(c) and remove the 25.208(c) pfd limit for those bands that the Commission designates for FSS-exclusive use, and (ii) that the Commission correct rule Section 25.138(a)(6) to apply to all GSO/FSS downlink bands in which the Commission permits blanket licensing of earth stations. Thus, the Commission should rapidly grant Hughes's unopposed reconsideration requests.

II. WINSTAR, ICTA, FWCC AND TRW FAIL TO REBUT HUGHES'S ARGUMENT THAT THE 18 GHZ SEGMENTATION DECISION IS ILLOGICAL AND INSUFFICIENTLY EXPLAINED

Winstar Communications, Inc., the Independent Cable Telecommunications Association ("*ICTA*"), the Fixed Wireless Communications Coalition ("*FWCC*"), and TRW Inc.

ASTROLINK International LLC at 8-9, IB Docket 98-172 (filed November 13, 2000) ("*Astrolink Comments*").

5 GE Americom Comments at 5-6; Comments In Support of and In Opposition To Petitions for Reconsideration of The Satellite Industry Association at 3-4, IB Docket 98-172 (filed November 13, 2000) ("*SIA Comments*").

6 The Commission has instituted a separate proceeding to address a variety of earth station licensing matters. See *Notice of Proposed Rulemaking*, FCC 00-369, IB Docket No. 00-203, RM- 9649, SAT-PDR-19990910-00091 (released October 24, 2000). Comments are not yet due in that proceeding.

each filed oppositions or comments that relate to Hughes's reconsideration request that the Commission designate 18.3 - 18.8 GHz for ubiquitous satellite earth stations.[8] GE Americom and Astrolink International strongly support Hughes's arguments on this issue.[9]

Winstar's Opposition does not specifically discuss Hughes's arguments, but appears to argue that Hughes's Petition does not adequately support its allegations that the Commission's 18 GHz segmentation decision violates the Administrative Procedure Act (the "*APA*").[10] The crux of Winstar's argument seems to be that Hughes did not cite to the APA itself, and that Hughes's arguments that elements of the 18 GHz Order were of a "so-called arbitrary and capricious nature" were insufficient.[11] Winstar's argument demonstrates a fundamental lack of understanding of relevant APA jurisprudence, and is, frankly, confounding.

Hughes set forth in detail the core requirements that the APA imposes on every Commission rulemaking action.[12] Hughes's discussion included citations to seven Court of Appeal or Supreme Court cases, including the seminal Supreme Court case on the issue, *Motor Vehicle Manufacturers Association of the United States v. State Farm.*[13] As set forth in the Hughes Petition, these cases provide that arbitrary and capricious actions, illogical actions, insufficiently explained actions, and unsupported actions by the Commission in an informal

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7 GE Americom Comments at 7; SIA Comments at 4-5; Astrolink Comments at 13-15.

8 *See* Opposition of Winstar Communications, Inc., IB Docket 98-172 (filed November 13, 2000) ("*Winstar Opposition*"); Opposition to Petition for Partial Reconsideration of the Independent Cable Telecommunications Association, IB Docket 98-172 (filed November 13, 2000) ("*ICTA Opposition*"); Comments by Fixed Wireless Communications Coalition, IB Docket 98-172 (filed November 13, 2000) ("*FWCC Comments*"); .

9 GE Americom Comments at 2-3; *see* Astrolink Comments at 7-8.

10 Winstar Opposition at 2.

11 *Id.*

12 Hughes Petition at 4.

rulemaking proceeding violate the Commission's obligations *under the APA*. Indeed, the Supreme Court in *State Farm* specifically stated that agency action in information rulemaking proceedings pursuant to 5 U.S.C. § 553 (such as the Commission's action in the 18 GHz Order) "may be set aside if found to be '*arbitrary, capricious*, and abuse of discretion, or otherwise not in accordance with law'"[14] and the Court itself refers to this standard of review as the "'arbitrary and capricious' standard."[15] Hughes demonstrated in its Petition that the Commission's 18 GHz band segmentation decision is illogical, irrational, and insufficiently explained and ignores important record evidence. Each of these failings provides a separate infirmity *under the APA*, as interpreted by the courts. Winstar does not address Hughes's specific arguments in this respect. Winstar's general argument that the Hughes Petition has not met its legal burden is indisputably wrong under the law and therefore must be rejected.

ICTA and FWCC both also filed short pleadings in opposition to the Hughes Petition. ICTA argues in conclusory fashion only that Hughes's arguments are "not new" and that adopting Hughes's requests would impact the PCO industry.[16] The FWCC Comments say even less, simply expressing general support for the Winstar Opposition and the ICTA Opposition, and concurring with the conclusory statements in the ICTA Opposition.[17]

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13 Hughes Petition at 4, n. 10-13.

14 463 U.S. 29, 41 (1983) (emphasis added).

15 *Id* at 41.

16 ICTA Opposition at 2.

17 FWCC Comments at 1-2.

As a threshold matter, neither ICTA nor FWCC complied with Commission rule Section 1.429(f) because they failed to serve Hughes with their opposition pleadings.[18] Hughes was prejudiced by this failure to comply with the service requirement because of the delay in discovering these filings. Therefore, Commission precedent indicates that the Commission should not consider these filings in its action on Hughes's Petition.[19]

Moreover, the ICTA and FWCC pleadings, like the Winstar Opposition, completely fail to address the specific arguments set forth in the Hughes Petition. Significantly, ICTA fails to counter Hughes's argument that it is inequitable and illogical for the PCO/CARS industry to bear *none* of the burden of the 18 GHz band plan, while that band plan limits GSO/FSS industry to less than 75% of its demonstrated needs. Furthermore, ICTA completely ignores Hughes's argument that the Commission failed to explain why some PCO/CARS uses could not be accommodated in the 12.7 - 13.2 GHz and 21.2 - 23.6 GHz bands.

Finally, even the general arguments that ICTA does raise are unavailing. The argument that the PCO industry might be impacted by Hughes's reconsideration request is non-responsive. It is only equitable and fair that the PCO industry bear at least some of the burden associated with the segmentation of the 18 GHz band, instead of receiving only benefits and taking on no burden. Likewise, the argument that Hughes's Petition raises issues that are "not new" is both false and irrelevant. Hughes's Petition is in response to the Commission's 18 GHz Order, and the Petition raises issues with the Commission's decisions in that Order. This focus is

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18 *See* 47 C.F.R. 1.429(f) (1999) ("Oppositions to a petition for reconsideration . . . need be served only on the person who filed the petition.").

19 *See Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (Bellingham and Anacortes, Washington)*, 8 FCC Rcd. 460, ¶ 1, n. 2 (1993).

procedurally and substantively proper.[20] Furthermore, to the extent that the Commission has not properly accounted for record evidence or has made an arbitrary or capricious decision in view of the record, a petition for reconsideration must necessarily discuss issues of record that are "not new." The relevant question is whether the Commission has acted appropriately in view of the record, not whether Hughes has raised new issues for the Commission's consideration. Thus, the Commission should disregard the ICTA Opposition and the FWCC Comments as both procedurally void and substantively unpersuasive.

TRW's Opposition also briefly addresses Hughes's argument that the Commission should reconsider its 18 GHz band segmentation decision. As with the other oppositions, TRW does not specifically address the arguments raised by Hughes, but instead argues generally that satellite and terrestrial systems should adjust their system plans to the Commission's "app[arent] . . . appropriate compromise" in the 18 GHz band.[21] TRW also notes that it understands and sympathizes with the views expressed by Hughes.[22] Thus, TRW seems to have chosen to succumb to the Commission's 18 GHz band segmentation decision, despite TRW's longstanding record support for an additional 500 MHz of satellite-exclusive downlink spectrum,[23] and to redesign its proposed Ka band satellite system (which may be feasible for TRW because its Ka band system is not yet licensed). However, Hughes's choice, which is proper, appropriate and in accordance with the rights accorded Hughes under Commission rules and the law, is to require the Commission to meet its obligations under the APA. TRW's Opposition provides no basis for the Commission to do otherwise.

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20 *See* 47 C.F.R. 1.429 (1999).

21 TRW Opposition at 7.

22 *Id.*

III. WINSTAR'S ARGUMENTS SUPPORTING THE "LEGACY LIST" RULE ARE MISLEADING AND UNAVAILING AND SHOULD BE REJECTED

Winstar argues in its Opposition that the Commission provided adequate notice of the Legacy List rule in the Commission's Notice of Proposed Rulemaking in this proceeding and that the Commission's final rule is a logical outgrowth of the NPRM.[24]

At the outset, Hughes's Petition, which is strongly supported by GE Americom and Astrolink,[25] argued that the Commission's Legacy List rule violated the APA for four separate and independent reasons. Namely, that the Legacy List rule is based on a false premise, is insufficiently explained, imposes an arbitrary penalty on the satellite industry, *and* does not meet the notice requirements imposed by the APA.[26] Winstar only specifically addresses the latter argument. Thus, even assuming *arguendo* that Winstar is correct that the Commission met its burden of providing reasonable notice of, and opportunity to comment on, the Legacy List rule, Hughes's arguments regarding the other three APA failings of the Legacy List rule remain unrebutted, and indeed supported by GE Americom and Astrolink, and thus the Commission must rescind its Legacy List rule.

Moreover, Winstar's arguments that the Commission met its burden to provide notice of, and opportunity for comment on, the Legacy List rule are simply unpersuasive in the face of the complete absence of *any* record comment on the Legacy List rule or anything remotely similar. Winstar's attempt to rehabilitate the 18 GHz order in this respect is based on two arguments. First, Winstar argues that the NPRM solicited comments on co-primary sharing

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23 *See* Comments of TRW Inc. at 5, IB Docket 98-172 (filed November 19, 1998).

24 Winstar Opposition at 3-4.

25 GE Americom Comments at 3-4; Astrolink Comments at 10.

26 Hughes Petition at 12-16.

and that the Legacy List rule is the logical outgrowth of this solicitation.[27] Second, Winstar tries to support the first argument by claiming that Hughes's pleadings anticipated the possibility of the Commission's final rule.[28]

Taking the second argument first, Winstar's statements are a bald-faced misrepresentation of Hughes's record pleadings in this proceeding and Winstar's actions in this respect seemingly have no reasonable basis or "evidentiary support."[29] As set forth in the Hughes Petition,[30] Hughes noted in its Reply Comments and in a February 22, 2000 written *ex parte* filing in this proceeding that the terrestrial fixed service has long had notice of Section 25.208(c) and the other elements of the co-primary FSS/FS sharing regime at 18 GHz and, therefore, neither the FS nor the FSS has greater "equities" in the 18 GHz band. Nothing in these pleadings, nor any other Hughes filing, "address[es] the possibility of the proposed [Legacy List] rule change." The Commission must disregard Winstar's misleading attempts to argue otherwise.

Next, despite Winstar's indication to the contrary, nothing in the paragraphs of the NPRM cited by Winstar[31] provides notice of, or requests comment on, the parameters for continued co-primary FS/FSS sharing at 18 GHz. While those paragraphs propose co-primary FS/FSS sharing in a portion of the 18 GHz band, there is no request for comment on the parameters for this co-primary sharing. Winstar's failure to quote any language from the NPRM further underscores the weakness of Winstar's argument. Indeed, the most telling aspect of

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27 Winstar Opposition at 3-4.

28 *Id.* at 4.

29 *See* FED. RULE CIV. PROC. 11(b); *see also* 47 C.F.R. 1.24(a)(4) (1999).

30 Hughes Petition at 14.

Winstar's Opposition on this point is that Winstar does not cite *any* record evidence (other than inappropriately citing Hughes's February 22, 2000 *ex parte* filing) that comments on the Legacy List rule or otherwise anticipates the possibility of that rule or anything remotely similar. At bottom, Winstar has completely failed to demonstrate that the NPRM provided notice of, and opportunity for comment on, the Legacy List rule or that the Legacy List rule is the logical outgrowth of the proposals that are set forth in the NPRM. Thus, Winstar's argument should be rejected and the Legacy List rule should be rescinded.

IV. ASTROLINK'S OPPOSITION TO HUGHES'S REQUEST TO CORRECT SECTION 25.138(B) IS UNFOUNDED AND WOULD DEPART FROM INDUSTRY CONSENSUS

Hughes requested in its Petition that the Commission correct the text of new rule Section 25.138(b) to insert the word "blanket" before "earth station license" in the first sentence of that Section.[32] GE Americom fully supported Hughes's request.[33] Hughes explained in its Petition that the Commission's perhaps unintentional omission of the word "blanket" in Section 25.138(b) departs from the recommendations of the Blanket Licensing Industry Working Group ("*BL-IWG*"), is unexplained in the 18 GHz Order, is unsupported in the record of this proceeding and might permit the unwarranted interpretation that Sections 25.138(b) and 25.138(c) apply to individually-licensed Ka band earth stations.

Hughes's latter argument proved sage as Astrolink in its Opposition argues not only that Sections 25.138(b) and 25.138(c) apply to individually-licensed Ka band earth stations, but also that the whole of Section 25.138 sets the "operational parameters" for all Ka band earth

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31 *See* Winstar Opposition at 4, n. 9 (citing paragraphs 32 and 34 of the Commission's NPRM).

32 Hughes Petition at 23-25.

33 GE Americom Comments at 7-8.

stations.[34] Astrolink's argument in this respect ignores the plain text of Section 25.138, misconstrues the Commission's Ku band earth station licensing rules and precedent, and is made without any support from, or citation to, either the 18 GHz Order or the record in this proceeding.

As a threshold matter, Hughes is baffled by Astrolink's position on this issue. Astrolink participated fully in the BL-IWG process and itself signed the Second Report of the BL-IWG without a hint of dissent. The BL-IWG Second Report clearly contemplated that its recommendations and proposed rules would "govern[] only the routine licensing of blanket-licensed earth terminals"[35] and the specific text of 25.138(b) proposed in the BL-IWG Second Report includes the word "blanket,"[36] to which Astrolink is now apparently opposed. Astrolink does not argue in its Opposition that the BL-IWG Second Report or its proposed 25.138(b) should be construed otherwise, because it cannot, and Astrolink completely fails to explain its apparent change of heart. For Astrolink to attempt to change course at this stage -- over a year after agreement on the Second Report and in an opposition to a petition for reconsideration -- is not only unexplained, but inexplicable.

More substantively, Astrolink completely fails to cite any portion of the 18 GHz Order or any record evidence in this proceeding in support of its argument that the Commission intended Section 25.138 to set the "operational parameters" for all Ka band earth stations. Of course, the lack of any such citation by Astrolink is not surprising because, as Hughes explained in its Petition, if the Commission intended, as an "administrative convenience," to set up the

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34 Astrolink Comments at 16.

35 Second Report of the GSO FSS Ka-Band Blanket Licensing Industry Working Group at 2, IB Docket 98-172 (filed September 27, 1999).

36 *Id.* at 4.

licensing paradigm that Astrolink suggests,[37] the Commission did so in violation of its APA duties without any explanation or record support.

Furthermore, Astrolink's interpretation of the Commission's intent completely ignores the text of Section 25.138(a), which by its terms applies only to "applications for a *blanket* earth station license" in the portions of the Ka band that the Commission has designated for blanket licensing.[38] Astrolink does indicate that it would support a "modification" of the Section 25.138 heading,[39] but does not address the text of Section 25.138(a) and, in any event, has not filed a timely petition for reconsideration in this proceeding to request a modification of Section 25.138.

Instead, Astrolink's only argument in favor of its position is that Hughes's reading of Section 25.138 -- namely that Section 25.138, as its heading indicates, only sets the parameters for *routine* licensing of *blanket* earth station license applications in the Commission-designated blanket licensing bands -- (i) would leave the Commission and Ka band earth station applicants without *any* ability or mechanism to license individual Ka band earth stations, (ii) would mean that individually-licensed Ka band earth stations would not be required to coordinate their operations with affected Ka band satellite operators, and (iii) would contravene recent Ku band earth station precedent.[40] In fact, none of these dire consequences would occur if the Commission grants Hughes's request on reconsideration.

Astrolink's fear that Hughes's reading of Section 25.138 would prevent the Commission from licensing individual Ka band earth stations or lead to rogue, uncoordinated

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37 *See* Astrolink Comments at 16.

38 65 Fed. Reg 54155, 54169 (2000) (emphasis added).

39 Astrolink Comments at 16, n. 41.

earth station operations is incorrect and ignores Commission rule Sections 25.115(a) and 25.115(e). Section 25.115(a) is the "default" rule for an application for a license to operate a transmitting earth station. That rule provides a vehicle for processing earth station applications for which there is no other applicable rule and it requires that the applicant submit the detailed earth station technical data set forth in Schedule B of the Form 312. Of course, it is Commission policy and practice that, absent a special rule for routine processing, all earth station operations must be "two-degree compliant" and coordinated with affected space station licensees.[41] More significantly, new rule Section 25.115(e) specifically provides the procedure for the processing of an application for an individual earth station license at Ka band.[42] In contrast, Section 25.138 makes *special* provision for routine processing of blanket earth station license applications, which streamlines the licensing process for non-controversial, "pre-coordinated" blanket earth station operations. The comprehensive, default procedures exist for all other earth station operations and the Commission can, as it has done in the past,[43] process and coordinate all other Ka band earth station operations in accordance with Section 25.115 and Commission policy and precedent.

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40 Astrolink Comments at 15.

41 *See Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, 11 FCC Rcd 21581, ¶ 39 (1996) ("The VSAT standard we adopt here is designed to permit the routine licensing of certain earth stations. We will continue to evaluate on a case-by-case basis, and would favorably consider, proposals that meet our two degree spacing requirements."); *Routine Licensing of Earth Stations in the 6 GHz and 14 GHz Bands*, DA 87-391, ¶¶ 1, 9 (1987); *see* also 47 C.F.R. 25.209 (1999).

42 65 Fed. Reg 54155, 54169 (2000) ("Applications to license *individual* earth stations operating in the 20/30 GHz band shall be filed on FCC Form 312, Main Form and Schedule B, and shall also include the information described in §25.138") (emphasis added). Furthermore, Section 25.115(e), unlike Section 25.138, provides a mechanism for processing earth station applications for the 18.3 - 18.58 and 29.25 - 29.5 GHz band.

Finally, Astrolink misreads the relevant Ku band earth station licensing rules and precedent, which provided an analog for the BL-IWG and the Commission in proposing Section 25.138. Astrolink makes much of its argument that Ku band earth station routine licensing provisions, Sections 25.134 (VSATs) and 25.212 (individual stations), contain the "same operational parameters."[44] Hughes agrees that the technical parameters for the coordination thresholds for both sections are the same in the two sections. And Hughes does not necessarily disagree that a provision for routine licensing of individually-licensed earth terminals at Ka band, if proposed and adopted by the Commission, should have the same technical parameters for coordination thresholds as are contained in the Ka band blanket licensing rule, Section 25.138.

However, Ku band rule Section 25.212 is different from Ku band rule Section 25.134 in one key respect. Section 25.212 does not have a provision equivalent to 25.134(c), which requires that earth stations coordinated at parameters in excess of the coordination threshold bear the burden of coordinating with future applicants and licensees. As Hughes explained in its Petition, this is a critical distinction between the two provisions with real world impacts for TT&C facilities and other individually-licensed earth stations. Astrolink does not address the distinction between the two Ku band rules directly, but instead cites two recent cases that Astrolink suggests stand for the "longstanding FCC precedent that . . . non-conforming operations should bear the burden of coordinating with future applicants and licensees that seek

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43 *See Motorola Satellite Communications, Inc.*, 12 FCC Rcd 1456 (1997) (granting application for individual Ka band earth station facility); *U.S. Leo Services, Inc.*, 11 FCC Rcd 13962 (1996) (same).

44 Astrolink Comments at 16.

to operate in conformance with applicable power levels."[45] Astrolink's cited precedent is inapposite.

Each of the two cases cited by Astrolink involved an earth station application to access a foreign-licensed satellite that did not meet the Commission's technical two-degree spacing requirements for space stations. Thus, neither has any bearing on the case at hand. Neither case is at all relevant to the situation under Section 25.212 where the licensee of an individual earth station that accesses a U.S.-licensed, two-degree compliant space station can rely on its coordination with the two-degree adjacent U.S.-licensed space station (and other affected space stations), even if those coordinated operations are at parameters in excess of the coordination thresholds contained in 25.212. Thus, Astrolink's reading of the Ku band precedent is incorrect and does not support its opposition to Hughes's requested correction to Section 25.138(b).

V. CONCLUSION

The Commission should grant Hughes's Petition for Partial Reconsideration in full and in a rapid fashion. As the Commission is aware, Hughes is proceeding rapidly with the development of its SPACEWAY Ka band satellite system and prompt action on Hughes's Petition is very important to ensure the timely launch of the system. As set forth above, many of Hughes's requests on reconsideration are unopposed and thus the Commission can and should grant these requests without delay. Furthermore, in those cases where parties have opposed portions of Hughes's Petition, those oppositions are unpersuasive and fail to rebut Hughes's argument that its requested actions on reconsideration are required under the APA and relevant

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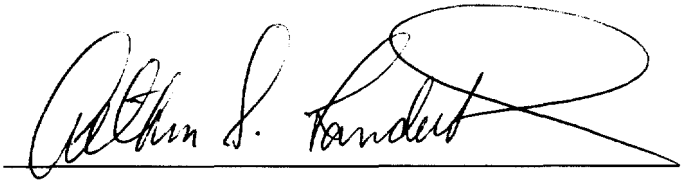
45 Astrolink Comments at 15.

court precedent. Thus, the Commission should dismiss those oppositions and grant the Hughes Petition in full.

Respectfully submitted,

HUGHES ELECTRONICS CORPORATION



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November 28, 2000

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I hereby certify that a true and correct copy of the foregoing Reply of Hughes Electronics Corporation was sent by U.S. Mail, this 28th day of November, 2000, to the following:

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